



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: March 22, 2006
EXPIRATION DATE: April 21, 2006
REFERENCE NUMBER: POA-2006-146-4
WATERWAY: West Creek

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: City of Skagway, P.O. Box 415, Skagway, Alaska 99840, POC: City Manager, Mr. Bob Ward, (907) 983-2297.

AGENT: Pacific Contract Company, LLC, 567 15th Avenue, P.O. Box 241, Skagway, Alaska POC: Mr. Paul Taylor (907) 983-2409.

LOCATION: The proposed project is located within section 15, T. 27 S., R. 59 E., Copper River Meridian; Latitude 59.5280° N., Longitude 135.3470° W.; at the West Creek, Taiya River confluence, near the West Creek Bridge, near Dyea, Alaska.

PURPOSE: The applicant proposes to mine 25,000 cubic yards of gravel in a five year period from an existing gravel bar. Total area of operations is approximately 4.3 acres with gravel extraction occurring within a 2.5 acre area.

WORK: Mine up to 5,000 cubic yards of gravel material from within a 2.5 acre gravel bar area, annually for a period of five years (up to 25,000 cubic yards). Depth of mining excavation is seven feet below the original elevation of the gravel bar. Mining may occur above and/or below the Ordinary High Water Mark, but work is located waterward of the established creek bank.

ADDITIONAL INFORMATION: The agent has indicated that the gravel mining operation may involve the movement of gravel material below the Ordinary High Water Mark by heavy equipment and may require temporary storage pads within the project area before loading into trucks.

MITIGATION: As a result of pre-application coordination, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment: Retaining natural gravel berms from West Creek and Taiya River from the work area. Gravel mining would be accomplished in stages and sloped to avoid entrapment of fish at the end of each gravel extraction year.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is a registered or eligible property in the vicinity of the worksite. It has been designated the Klondike Gold Rush National Park. Because it has been determined to be outside of the project area, no further action is required. The work would occur on a gravel bar at the confluence of West Creek and the Taiya River, waterward of the existing bank. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity (excavation of a gravel bar) within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: The project is located within the Klondike Gold Rush Historical Park.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. John Klutz at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at john.r.klutz@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

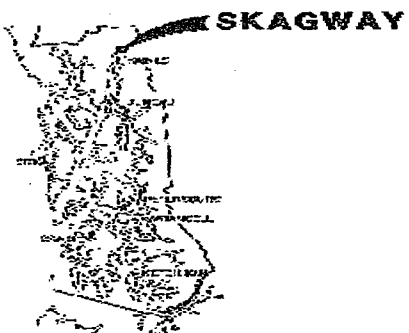
District Engineer
U.S. Army, Corps of Engineers

Attachments



LOCATION MAP

WEST CREEK GRAVEL EXTRACTION PERMIT VICINITY MAP



SOUTHEAST ALASKA

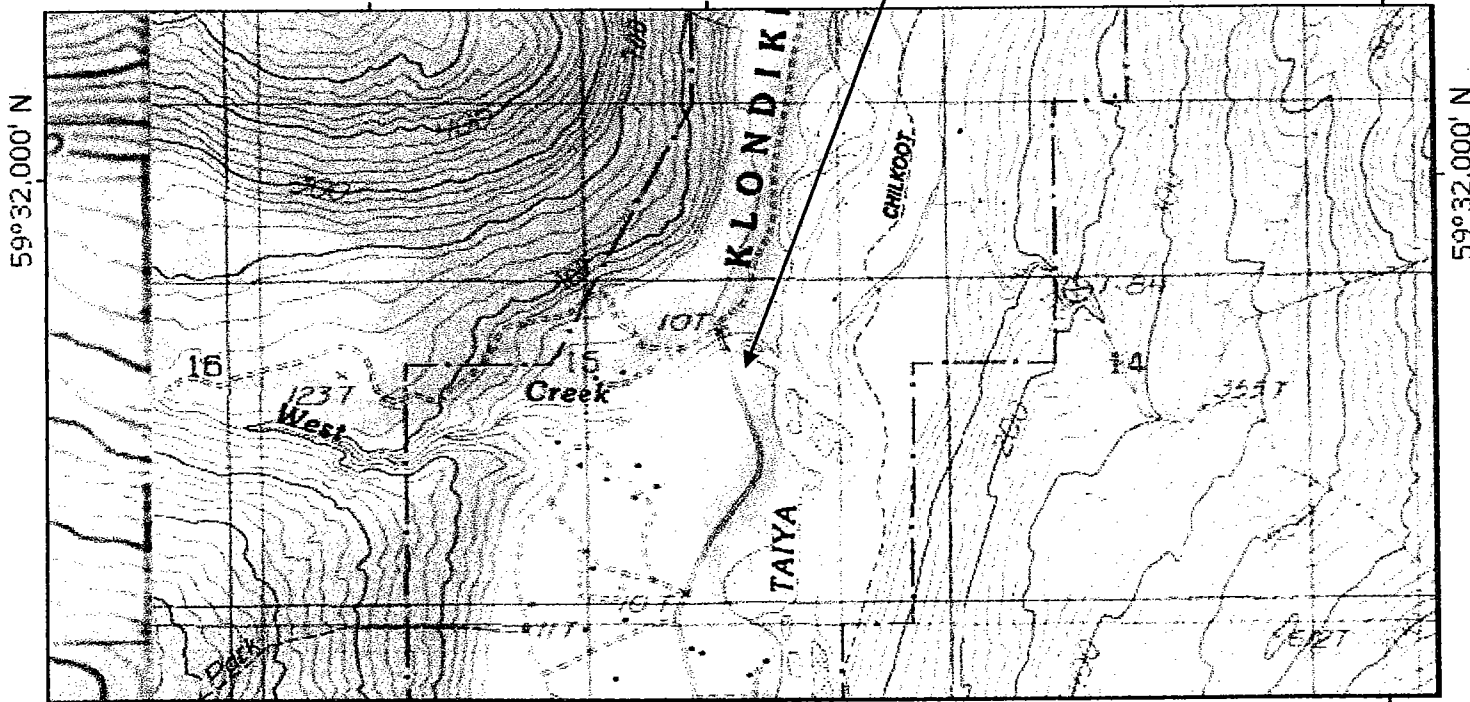
PROJECT SITE

TOPO! map printed on 12/29/05 from "Untitled2.tpo"

135°22.000' W

135°21.000' W

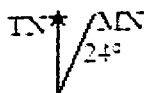
WGS84 135°19.000' W



135°22.000' W

135°21.000' W

WGS84 135°19.000' W



Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com topo)

PACIFIC CONTRACT COMPANY LLC
567 15th Ave ALASKA STREET
P.O. BOX 241
SKAGWAY, ALASKA 99840

**WEST CREEK
GRAVEL EXTRACTION
PERMIT**

DRAWN BY: MPT
CHECKED BY: BYH
DATE: JAN 4, 2006
REVISED:
REVISED:
SHEET: 1 of 4



WEST CREEK RIVER

EXISTING GRAVEL BAR

SECTION VIEW OF GRAVEL EXTRACTION SITE

1. EXCAVATION AREA IS APPROXIMATELY 2.5 ACRES.
2. EXCAVATION AREA BEGINS 100-ft DOWNSTREAM FROM WEST CREEK BRIDGE AND ENDS APPROXIMATELY 800-ft FROM THE BRIDGE.
3. MAXIMUM WIDTH OF THE EXTRACTION AREA IS ABOUT 300-ft.
4. NO CELLS OR HOLES WILL REMAIN AS FISH TRAPS.



EXCAVATE TO THIS DEPTH 2006

EXCAVATE TO THIS DEPTH 2007

EXCAVATE TO THIS DEPTH 2008

EXCAVATE TO THIS DEPTH 2009

FINAL DEPTH OF EXCAVATION 2010

MINING PLAN OF GRAVEL EXTRACTION

1. EXAGGERATED TO SHOW MINING PLAN - NO SCALE
2. MINE FLOW MAINTAINED IN FLAT CONDITION.
3. EXCAVATION STOCKPILED IN ADJACENT COS YARD.
4. ADMINISTERED BY CITY OF SKAGWAY.
5. ANNUAL CUT DEPTH ABOUT 1.5-ft.

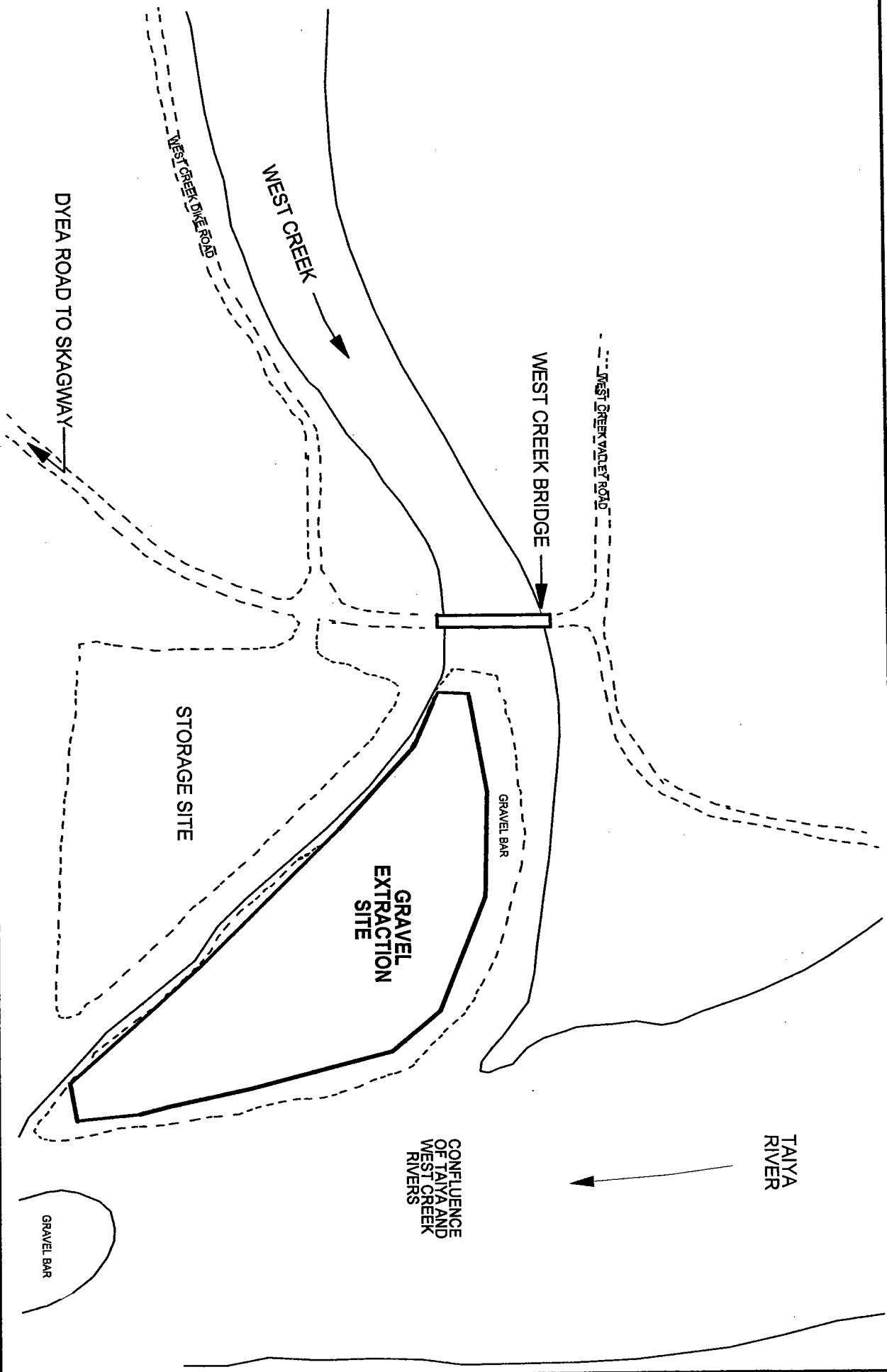
PACIFIC CONTRACT COMPANY LLC
567 15th Ave & ALASKA STREET
P.O. BOX 241
SKAGWAY, ALASKA 99840

WEST CREEK GRAVEL EXTRACTION PERMIT

SECTION VIEW

SCALE: AS SHOWN

DRAWN BY: MPT
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DATE: JAN 4, 2006
REVISED:
REVISED:
SHEET: 2 of 4

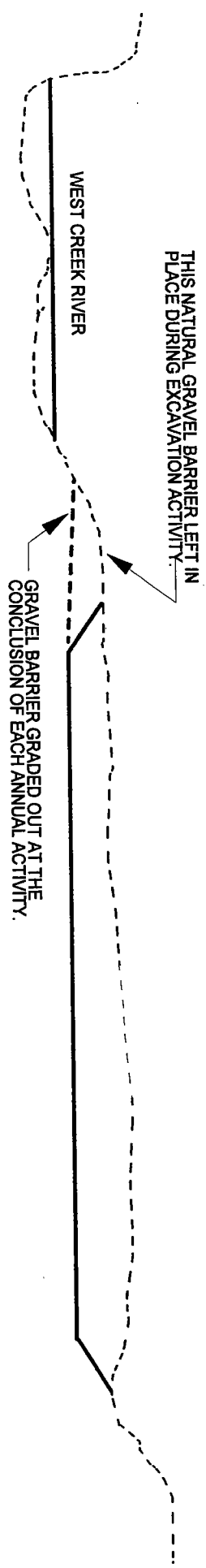


PACIFIC CONTRACT COMPANY LLC
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PLAN VIEW
SCALE: 1-in = 100-ft

**WEST CREEK
GRAVEL EXTRACTION
PERMIT**

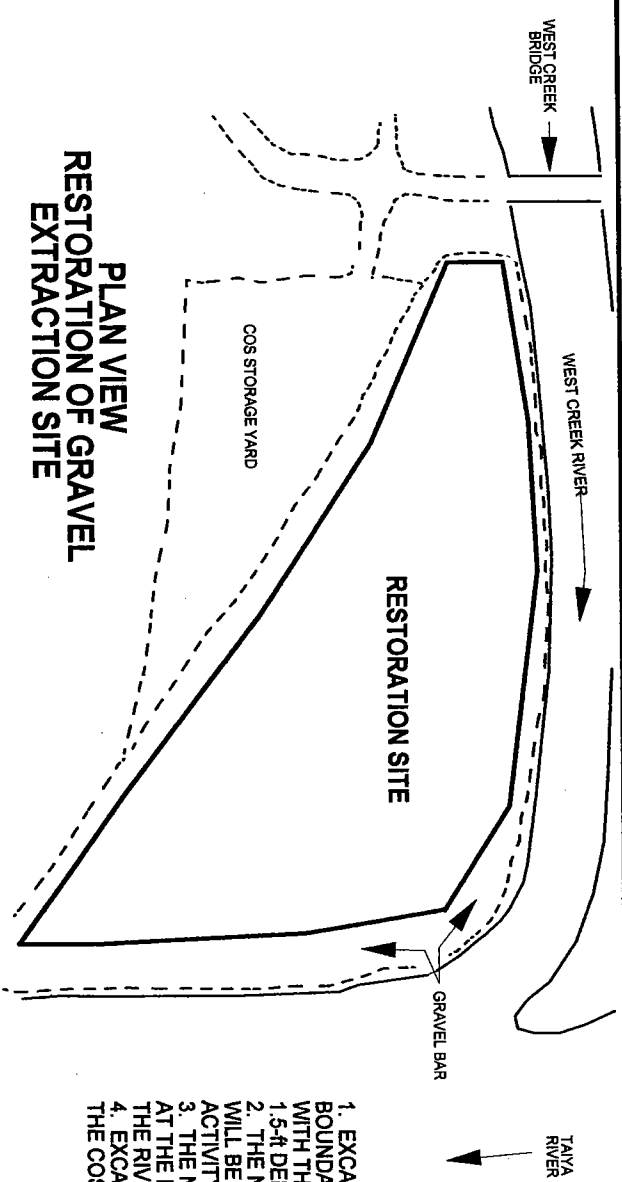
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SHEET: 3 of 4



ELEVATION OF SITE REHABILITATION PLAN

1. NO SCALE. VIEW IS EXAGGERATED TO DEPICT RESTORATION PLAN.
2. NATURAL GRAVEL BARRIER REMOVAL GRADING WILL BEGIN DOWNSTREAM AND PROCEED UPSTREAM.

PLAN VIEW RESTORATION OF GRAVEL EXTRACTION SITE



1. EXCAVATION WILL BEGIN ON THE DOWNSTREAM BOUNDARY OF THE SITE AND PROCEED UPSTREAM WITH THE EXCAVATION DEPTH LIMITED TO ABOUT 1.5-4 DEEP CUTS.
2. THE NATURAL BARRIER OF THE GRAVEL BAR WILL BE LEFT IN PLACE DURING EXCAVATION ACTIVITY.
3. THE NATURAL BARRIER WILL BE GRADED OUT AT THE END OF EACH YEARS ACTIVITY TO ALLOW THE RIVER TO NATURALLY RESUME ITS COURSE.
4. EXCAVATED GRAVEL WILL BE STOCKPILED IN THE COS YARD ADJACENT TO THE SITE.

PACIFIC CONTRACT COMPANY LLS
567 15th Ave ALASKA STREET
P.O. BOX 241
SKAGWAY, ALASKA 99840

PLAN & ELEVATION VIEW

WEST CREEK SITE REHABILITATION & RESTORATION PLAN

DRAWN BY: MPT
CHECKED BY: BYH
DATE: JAN 4, 2006
REVISED:
SHEET: 4 of 4

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.: **POA-2006-146-4, West Creek**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR .

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No.: **POA-2006-146-4, West Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274